

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JASON ZIMMERMAN, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC,**

Defendant.

CASE NO. 09-cv-04602-PGG

CLASS ACTION

SUPPLEMENTAL MEMORANDUM

In its March 27, 2013 Memorandum Opinion & Order (docket entry 79), the court directed the parties to submit additional briefing by April 12, 2013 as to whether the thirteen individuals who either completed both portions of the form and/or did not provide sufficient information to show that their debts were non-commercial should participate in the class recovery. (Opinion, p. 15-16). Defendant takes no position on this issue and leaves distribution to these individuals to the discretion of the court.

The court further directed the parties to “submit by April 12, 2013, a joint list of organizations that would be appropriate recipients of a cy pres award.” (Opinion, p. 16). The cy pres award is to go to “a non-profit organization working to curb abusive debt collection practices or to increase consumer awareness of such practices.” (Opinion, p. 16).

Ignoring the court order requesting the parties to submit a “joint list of organizations” Plaintiff has unilaterally submitted a proposal to the court containing entities that were not agreed to by the Defendant. Defendant vehemently opposes distributions to the National Association of Consumer Advocates (“NACA”), the National Consumer Law Center (“NCLC”) and CAMBA. The class consists solely of New York residents and there is no indication in

either proposal from NACA or NCLC that indicates that the cy pres award would be utilized to assist New York residents including members of the class. South Brooklyn Legal Services, The Legal Aid Society, Empire Justice Center and Neighborhood Economic Development Advocacy Project are all New York based entities that have expressly indicated that they would use any cy pres award to assist New York residents. Each of these four local entities has a specific proposal to curb abusive debt collection practices and increase consumer awareness of such practices as directed by the court. While CAMBA is also a New York based entity, PRA believes that the proposals submitted by the other four entities would better serve the issues identified by the court in the opinion.

Respectfully submitted,

/s/ Thomas R. Dominczyk

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